

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

VICKY RODRÍGUEZ TORRES, et al.

Plaintiffs

v.

Government Development Bank P.R., et al.
Defendants

CIVIL No. 09-01151-JP

TITLE VII AGE & GENDER DISCRIMINATION,
TORTS

TRIAL BY JURY

SCOPE DEFINITION DOCUMENT

REPORT ON COST AND TIME OF PLAINTIFF'S ESI DISCOVERY REQUESTS

On October 5th 2009 the Court Ordered, *inter alia*, that the parties file a report on the cost and time it would take to produce the Electronically Stored Information (**ESI**) discovery requests served by Plaintiffs on co-defendant GDB (**Doc.# 179**). Plaintiffs have reduced their pending discovery requests from twenty-two (22), to only six (6), as laid out below.

Of the above six (6) discovery requests, four (4) of them are best produced from GDB's Lawson Human Resources software standard reporting and data-extraction tools ("**1. Interrogatory 8**", "**2. Interrogatory 9**", "**3. Interrogatory 17**", and "**4. Interrogatory 24**"). Plaintiffs concede that one (1) other request is best produced in PDF format ("**6. Request for Production of Documents 15**"). Consequently, only one (1) request persists as part – and within the scope - of the ESI cost and time report, as set forth in **Doc.# 179's** Order ("**5. Request for Production of Documents 12**").

ASSUMPTIONS TO DEFINE THE SCOPE OF REQUESTED ESI IN NATIVE FILE FORMAT

- (1) The ESI cost and time report will be authored by Mr. Gabriel Rodríguez, of Finanxial IT, a firm specializing in professional services related to the tasks to be outlined below.
- (2) Finanxial IT will base the report on performing the underlying tasks utilizing the Concordance search and retrieval utility.

- (3) Finanxial IT is fully licensed for the use of Concordance, and its cost estimates are inclusive of all software licensing costs.
- (4) Finanxial IT will be provided a mirror copy of the GDB files ultimately allowed to be the subject of this discovery effort.
- (5) GDB's Counsel will perform a privilege and confidentiality review on the records retrieved above.
- (6) Any disputes arising under the submission of the privilege log and the ESI production made available to Plaintiffs fall outside the scope of this document, and accordingly will not be considered by Finanxial IT in its cost and time estimates.
- (7) Finanxial IT will turn over to Plaintiffs only those electronic documents which are responsive and not deemed privileged or confidential. Upon the conclusion of Finanxial IT, the mirror copy shall be returned to the Bank through defendant's counsel of record. Upon the conclusion of the litigation, Plaintiffs shall similarly return to the GDB all electronic documents and copies made of the aforementioned production.
- (8) Neither party is making or conceding assertions as to the relevance of the requested ESI, as defined within this scope definition document. Allegations to such an effect are reserved for the outstanding parts of the Order as set forth in **Doc.# 179**, and consequently will be taken under consideration by the Court in due time.

PARAMETERS TO DEFINE THE SCOPE OF REQUESTED ESI IN NATIVE FILE FORMAT

- (9) Microsoft Outlook mailboxes and calendars against which the search and retrieval parameters will be executed to find the requested character-strings or key-words are defined as those owned, or from which transactions are originated, by the following named individuals, regardless of who is the designated formal custodian:
 - a. Javier Ramos Luíña;
 - b. Enid López López;

- c. Ángel Pérez Rivera;
- d. Jorge Irizarry Herrans;
- e. Luis Alfaro Martínez;
- f. Marine Comas Torres;
- g. Naphis Torres Padró;
- h. Edgardo Rodríguez Nieves;
- i. Guillermo Cambas Casas;
- j. Gloryvette Balaguer Estrada;
- k. Lynette Lugo (second last name unknown);
- l. Juan Carlos Larriuz Caldera;
- m. Emilio Torres (second last name unknown);
- n. Noel Aguiar (second last name unknown);
- o. Maritza Guridys (second last name unknown);
- p. José Narvaez (second last name unknown);
- q. Roberto Rodríguez (second last name unknown);
- r. Harry de Jesús (second last name unknown);
- s. Lucy Delgado Serrano;
- t. José Feijoo Zorrilla;
- u. Miguel Gutarra Negrón;
- v. Vivian Mercado (second last name unknown);
- w. Aurora Rivera (second last name unknown);
- x. Mildred Ayala (second last name unknown).

(10) Search and retrieval parameters against Microsoft Outlook mailboxes will be defined as the following Boolean-logic operator expressions (wherever the connector “AND” is

used between a list of search terms, records returned should be at least those where all terms are present, even if there are additional terms not included in the list):

- a. Within the message subject and body, in either one or both: (“vicky” OR “v. rodriguez” OR “v.rodriguez” OR “vieja” OR “nena” OR “arrugas” OR “quinceañera” OR “peluca” OR “edad” OR “alzheimer” OR “alzheimers” OR “alzheimer's” OR “alzhemer” OR “alzhiemer” OR “alzhiemers” OR “alzhimer” OR “alzhimers” OR “alzimer” OR “alzimers” OR “demanda” OR “caso” OR “testigo” OR “testigos” OR “demandante”);
 - b. Within the message addressees, in anyone of: “To:”, “cc:”, or “bc:”: (Roberto Rodriguez AND José Feijó);
 - c. Within the message addressees, in anyone of: “To:”, “cc:”, or “bc:”: (José Narvaez AND María Inocencio AND Jorge Cruz AND Luz González AND Amarilis Fuentes);
- (11)** Search and retrieval parameters against Microsoft Outlook calendars will be defined as the following (wherever the connector “AND” is used between a list of search terms, records returned should be at least those where all terms are present, even if there are additional terms not included in the list):
- a. Attendees or invitees include: (Roberto Rodriguez AND José Feijó);
 - b. Attendees or invitees include: (José Narvaez AND María Inocencio AND Jorge Cruz AND Luz González AND Amarilis Fuentes);

Submitted today, October 30th 2009, in San Juan, Puerto Rico.

William E. Meléndez | We.Melendez@e-Lex.us | 718.725.7387
410 Park Avenue | New York, NY 10022
Cuadros & Cuadros | 701 Ponce de León Ave. Suite 215 | San Juan, Puerto Rico 00907